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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,080	02/27/2004	Katsutoshi Misuda	03500.015757.1	4301
5514	7590	02/14/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SHEWAREGED, BETELHEM	
			ART UNIT	PAPER NUMBER

1774

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,080

Applicant(s)

MISUDA ET AL.

Examiner

Betelhem Shewareged

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/945,760.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response along with the Request for Continued Examination (RCE) has been fully considered. Claims 1-12 are canceled, and claims 13-16 are pending.

Claim Rejections - 35 USC § 102

2. Claims 13, 15 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Misuda et al. (US 6,114,020), as evidenced by Hirose et al. (US 6,203,899 B1).

Misuda discloses a recording medium comprising an ink receiving layer on a base material (col. 3, line 54 and col. 4, line 25). The ink receiving layer comprises alumina hydrate having a pseudoboehmite structure (col. 6, line 14), and formed by hydrolyzing aluminum alkoxide and treating the resultant hydrolyzate by deflocculation process (col. 6, line 1). The particle size of the alumina hydrate is 1um or smaller (col. 4, line 52). The ink receiving layer further comprises a binder (col. 4, line 56), and the mixing ratio of the alumina hydrate and the binder is 1:1 to 30:1 (col. 5, line 4). Misuda uses alumina hydrate of 520 (trade name, product of Nissan Chemical Industries, Ltd.), wherein the alumina hydrate has a gamma crystal structure as the claimed invention (see Table 4 of Hirose).

Claim Rejections - 35 USC § 103

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Misuda et al. (US 6,114,020), as evidenced by Hirose et al. (US 6,203,899 B1), as applied to claims 13, 15 and 16, above, in further view of Smith et al. (US 5,175,133).

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Misuda does not disclose the claimed separation treatment. However, dewatering step such as centrifugation or filtration during production of ceramic particles such as alumina is well known (col. 7, line 64 of Smith).

Response to Arguments

4. Applicant's argument is based on that, in Misuda, the gamma alumina is not in the ink receiving layer. This argument is not persuasive because the gamma alumina is in the ink receiving layer (see col. 4, lines 24-55). Furthermore, Misuda uses defloccutination process to synthesize the alumina particles, and the particle size of the alumina is within the claimed range.

Conclusion

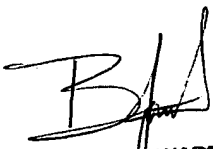
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betelhem Shewareged whose telephone number is 571-272-1529. The examiner can normally be reached on Mon.-Fri. 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B.S.
January 19, 2006.


BETELHEM SHEWAREGED
PRIMARY EXAMINER